

Congress of the United States
Washington, DC 20515

December 2, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

As members of New York State's Congressional delegation, we write to express our concerns about the ongoing Five Year Review of the Hudson River Superfund project. While EPA has worked diligently to oversee the removal of toxic polychlorinated biphenyls (PCBs) from the river sediment, current data suggests more work must be done to reduce PCBs to acceptable levels and protect the environmental health of the river and the public health of millions of people who live along it. We support the New York State Department of Environmental Conservation's recent request to the EPA to increase the scope of sediment sampling as part of the review process. We call on EPA to expeditiously determine through its ongoing five year review that the existing remedy is insufficient and that additional cleanup is required, before the change in Administration.

Under the 2002 Record of Decision for the Hudson River Superfund project, EPA set explicit objectives, including reducing PCB concentration in fish to 0.4 mg/kg by 2016. Data from the National Oceanic and Atmospheric Administration¹ and New York State Office of the Attorney General² indicate PCB levels in fish are 600 percent above this target, making it clear that the project goals have not been met. Unless more contaminated sediment is removed from the Hudson, fish consumption advisories will remain in place for decades, jeopardizing the health of communities that depend on the river's fish for sustenance.

The New York State Department of Health (NYSDOH) recently revisited its Hudson Fish Advisory. Though the fish consumption advisory was intended to minimize the health risks associated with eating fish from the Hudson River, the advisory is not working as EPA had hoped. Members of the public have been documented as eating species from the river that are among the most contaminated. Meanwhile, NYSDOH has expanded the advisory to include new species of fish and is working to reach an entire new community of subsistence anglers that have

¹ NOAA: L. Jay Field, et al, Re-Visiting Projections of PCBs in Lower Hudson River Fish using Model Emulation, Science of the Total Environment, 2016.

² See Letter, Office of the Attorney General New York State to U.S. EPA Region 2 Administrator Judith Enck (September 16, 2016).

moved into the Hudson River Valley since the original human risk assessment was conducted for the Hudson River Superfund decision.³

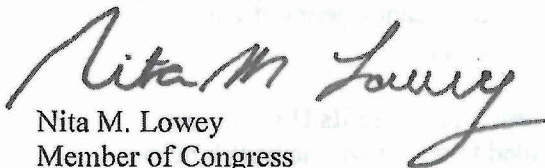
PCB contamination in the Hudson River has affected both upriver and downriver communities. In meetings of the Hudson River Superfund Community Advisory Group, EPA has acknowledged that nearly 70 percent of PCBs present in the New York-New Jersey Harbor that the Army Corps of Engineers must dredge to facilitate water-based commerce originate from General Electric's sites in the upper Hudson River. The level of contamination in the Harbor is so severe that the Hudson River Foundation's 2015 Contamination Assessment and Reduction Project report referred to GE's PCB contamination as an "economic ball and chain" on New York's and New Jersey's waterfronts and ports.⁴ The continuing cost of addressing this contamination is being unfairly borne by the public and represents a lost economic potential.

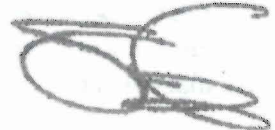
In addition to this frightening data, other studies indisputably show PCB concentrations in river sediment are two to three times higher than estimated at the time the cleanup remedy was determined.⁵ Despite this data and the requests of the federal Natural Resources Trustees, EPA allowed GE to decommission its dredging facilities and declared the cleanup a success last November, even before completing the mandated Five Year Review which is intended to determine the project's effectiveness.

EPA has an obligation to ensure that the environmental health of the Hudson River is restored and that New Yorkers are not harmed by this legacy pollution. We join New York State, your sister federal agencies serving as Natural Resource Trustees, dozens of environmental groups, local elected officials and thousands of people in Hudson Riverfront communities in calling on the EPA to consider all available data and propose additional measures to achieve the mandated goals of this Superfund project.

Thank you for your consideration of this matter.

Sincerely,


Nita M. Lowey
Member of Congress


Sean Patrick Maloney
Member of Congress

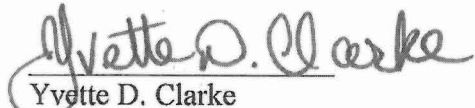
³ New York State Department of Health: Hudson River Fish Advisory Outreach Project Update 2009-2016, *Appendix: Preliminary Results of Hudson River Fish Consumption Surveys September 2016*.
<http://www.health.ny.gov/environmental/outdoors/fish/hudson_river/docs/hrfaappendix.pdf>

⁴ Lodge, J., Landeck Miller, R.E., Suszkowski, D., Litten, S., Douglas, S. 2015. Contaminant Assessment and Reduction Project Summary Report. Hudson River Foundation, New York, NY.
<<http://www.hudsonriver.org/download/CARP-summary-report.pdf>>

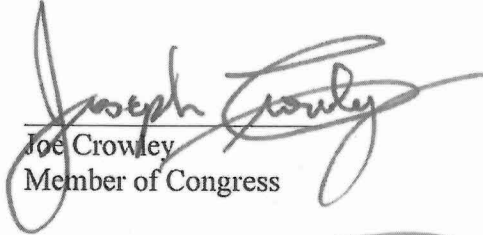
⁵ NOAA: L. Jay Field, et al, *Re-Visiting Projections of PCBs in Lower Hudson River Fish using Model Emulation*, Science of the Total Environment 2016, www.elsevier.com/locate/scitotenv



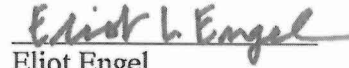
Kirsten Gillibrand
U.S. Senator



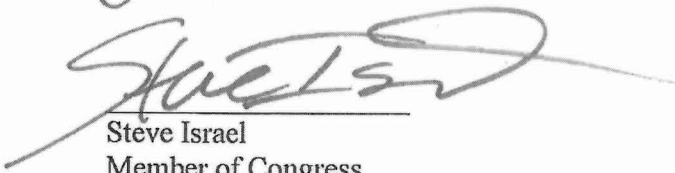
Yvette D. Clarke
Member of Congress



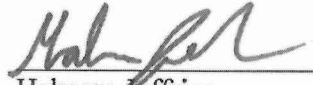
Joe Crowley
Member of Congress




Eliot Engel
Member of Congress



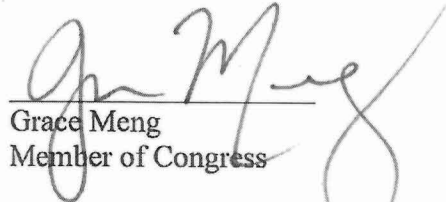
Steve Israel
Member of Congress



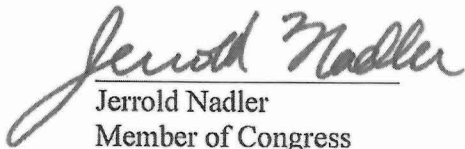
Hakeem Jeffries
Member of Congress



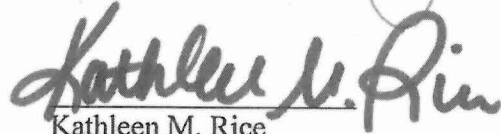
Carolyn B. Maloney
Member of Congress



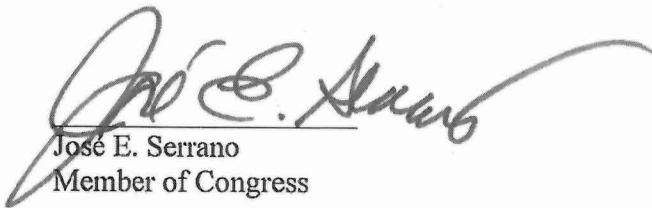
Grace Meng
Member of Congress



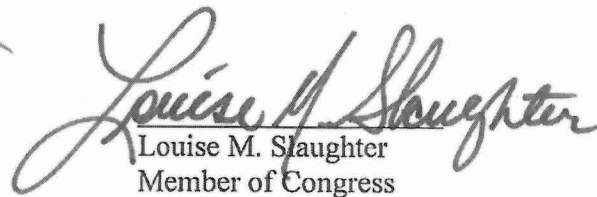
Jerrold Nadler
Member of Congress



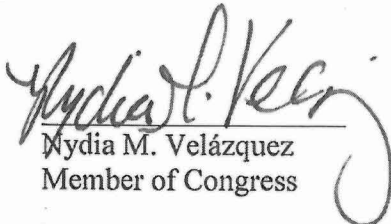
Kathleen M. Rice
Member of Congress



José E. Serrano
Member of Congress



Louise M. Slaughter
Member of Congress



Nydia M. Velázquez
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JAN 31 2017

The Honorable Sean Patrick Maloney
U.S. House of Representatives
1027 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Maloney:

Thank you for your December 2, 2016, letter to former U.S. Environmental Protection Agency Administrator Gina McCarthy concerning the Hudson River PCBs Superfund Site. Your letter outlines several of your concerns related to the five-year review that EPA currently is performing for the site, PCB contamination in Hudson River sediments, and the consumption of Hudson River fish by the public.

EPA is conducting the five-year review as required by the Superfund law. The review will evaluate whether the remedy is, or will be, protective of human health and the environment, and will include an assessment of the available data regarding PCB concentrations in fish, water, and sediment. The review also will consider the consumption of fish by the public under the current New York State Department of Health (NYSDOH) fish consumption advisories. In an effort to conduct the five-year review in an open and transparent manner, EPA has established a "Five-Year Review Team" that includes representatives of New York State, the federal natural resource trustees and the public, and has held a number of meetings and conference calls with the Five-Year Review Team, as well as public workshops, to explain and solicit feedback on the five-year review.

Please note that the characterization of PCB levels in fish as 600% above the project's target of 0.4 mg/kg is based on fish data collected in 2014. Those fish were collected during the dredging and were therefore impacted in the short-term by PCBs that were mobilized during the dredging operations. PCB concentrations in fish collected in 2016 returned to pre-dredging levels. Now that the dredging is complete, EPA expects that the fish will continue to recover over time. Please note that younger fish to be collected in 2017 will be the first fish sampled that will not have been impacted by the dredging.

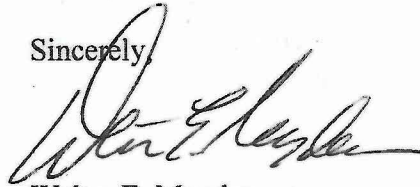
Since the conclusion of the EPA-mandated dredging work in 2015, the EPA has been refining the details of the long-term monitoring program which will measure PCB levels in sediment, water and fish to track the recovery of the river over time. EPA has responded in detail to the New York State Department of Environmental Conservation (NYSDEC) with respect to its request for additional sediment sampling. A copy of EPA's November 14, 2016 letter to NYSDEC Commissioner Seggos is enclosed for your reference. While EPA shares NYSDEC's interest in ensuring that EPA has sufficient data to evaluate the change in sediment PCB concentrations over time, EPA believes that the scope of the sediment sampling program meets that objective.

EPA will follow the science and the Superfund law as the project moves forward. In addition, EPA will continue to coordinate closely with the involved state and federal agencies including NYSDEC, NYSDOH, U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. EPA will also continue to coordinate with the Hudson River Foundation and others who are involved with the New York-New Jersey Harbor. EPA most recently met with the Hudson River Foundation on January 25th.

We appreciate your continued interest and engagement in the Hudson River cleanup. EPA is committed to conducting a robust and scientifically sound five-year review in order ensure the protectiveness of the cleanup.

If you have further questions, please contact me at (212) 637-5000 or Mike McGowan, Chief of Intergovernmental and Community Affairs Branch, at (212) 637-4972.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter E. Mugdan", written over a light blue circular stamp.

Walter E. Mugdan
Acting Regional Administrator

Enclosure: Seggos correspondence, December 16, 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 16 2016

Honorable Basil Seggos
Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-1010

Re: Hudson River PCBs Superfund Site Operation, Maintenance and Monitoring Program

Dear Commissioner Seggos:

Your November 14, 2016 letter regarding the Hudson River PCBs Superfund Site raises several issues concerning the Operation, Maintenance and Monitoring (OM&M) sediment sampling program that will help assess the effectiveness of the Hudson River dredging that was completed in 2015. While EPA shares the New York State Department of Environmental Conservation's interest in ensuring that EPA has data sufficient to monitor the effectiveness of the dredging, we disagree that the OM&M sediment sampling program is inadequate for that purpose. EPA has discussed our reasoning in detail with your staff in several meetings and phone calls this year.

It may be useful to reiterate here the purpose of the sediment monitoring component of the OM&M program. The data quality objectives of that component were developed in coordination with NYSDEC and are set forth in Section 2.3.1 of the 2010 Operation, Maintenance, and Monitoring Scope for Phase 2 of the Remedial Action (OM&M Scope), which is incorporated into the consent decree between EPA and General Electric Company. Those objectives are:

- Determine post-remediation PCB levels in sediments in non-dredge areas of the Upper Hudson River.
- Provide data on Select Areas that exceeded the mass per unit area removal criteria that were not targeted for removal because they were buried by cleaner sediments to assess whether the deposits have experienced erosion.¹
- Determine sediment recovery rates in non-dredge areas of the Upper Hudson River.
- Examine the changes to surface PCB concentrations in backfill areas.

The OM&M Scope calls for surface sediment samples to be collected from "[a]pproximately 350 sampling locations" in order to track the recovery of surface sediments in non-dredge areas.² The Scope also calls for

¹ The OM&M Scope indicates that this particular objective will be addressed through bathymetric surveys rather than sediment sampling. See Section 2.3.3 of the OM&M Scope. This work will be performed in 2017 and is separate from the OM&M sediment sampling program.

² 2010 OM&M Scope, § 2.3.2.1.

sediment sampling in a minimum of 50 backfill areas in each of the three river sections.³ The number of samples was based on the variability seen in sediment PCB data that was collected in 2010-2013. The number of sampling locations identified in the 2010 OM&M Scope is presented as an estimate because at the time the Scope was written, EPA anticipated that the actual number of samples would be determined during development of a work plan for the sediment sampling.

After considering the post-dredging variability in surface sediment PCB concentrations and in consultation with EPA's statistician, EPA determined that a total of 226 locations in non-dredge areas and 149 locations in dredge areas should be sampled in order to have a statistically sufficient number of samples to track surface sediment PCB concentrations in the Upper Hudson River over time. This fall GE collected samples from each of the 226 non-dredge areas, but due to safety concerns related to deteriorating weather conditions GE needed to demobilize from the river before collecting samples from the dredge areas. In the spring of 2017 GE will return to the river and collect samples from the 149 dredge locations that GE was unable to sample in 2016. If, prior to the collection of samples from the 149 dredge locations, EPA decides to calculate average surface sediment PCB concentrations, the analytical results from 275 samples that GE previously collected from the dredge areas immediately after the placement of backfill can be used to represent the dredge areas for purposes of those calculations.

The density of surface sediment samples is consistent with similar dredging projects where sediment samples are being collected to assess temporal changes in contaminant levels. If, after review of the fall 2016 sediment sampling results, EPA determines that additional sample locations in the non-dredge areas are needed to evaluate changes in sediment PCB concentrations over time, such additional sampling would be performed in the spring of 2017. Even if EPA decides that such additional sampling is needed, however, we do not expect the number of such samples to be anywhere near the 1800 additional locations requested by NYSDEC. While an effort of that magnitude, increasing the number of sampling locations by a factor of more than four, would allow for a more detailed delineation across the areal extent of the sediment, it is not necessary in order to achieve the data quality objectives quoted above. EPA has identified a statistically appropriate number of sampling locations and will require GE to sample the same locations in the same manner over an extended period of time, at appropriate (five-year) intervals.

The OM&M sediment sampling program was designed to assess sediment recovery rates in non-dredge areas in the three river sections, and not on a pool-by-pool basis.⁴ Nevertheless, because that program includes sample locations in each of the Upper Hudson River dam pools, which GE will sample using an unbiased approach for each river mile, the OM&M sediment sampling data will allow EPA to infer average sediment concentrations over time on a pool-by-pool basis. In addition, and as EPA discussed at the December 8 meeting of the Community Advisory Group, the ongoing fish monitoring program will provide localized information that is representative of post-dredging conditions in the 40 miles of the Upper Hudson River. If in the future EPA determines that fish PCB levels in a particular pool do not appear to be declining at an acceptable rate, then at that time EPA will consider whether to collect additional sediment samples from that area in order to better understand any delay in fish recovery.

³ *Id.*

⁴ See, e.g., OM&M Scope § 2.3.2.1 (surface sediments from non-dredge areas "will be sampled upon completion of dredging in each river section...") and "[t]he backfill sampling program will entail collection of samples from a minimum of 50 locations from backfilled areas in each river section." In addition, samples from "about 30 locations per river section" will be analyzed for beryllium-7. OM&M Scope § 2.3.2.3.

As EPA has explained to NYSDEC staff, if EPA were to require anything like the major increase in sediment sampling sought by NYSDEC, it is unlikely that the sampling could be completed before the summer of 2017. There are a number of reasons for this, including the fact that it would take considerable time and effort to redesign the sampling grid (including performing new statistical analyses), and to consult with NYSDEC, the federal trustees and other stakeholders. It would also take time to try and reach agreement with GE for its performance of the work, which would be far more extensive than the program GE agreed to perform in the consent decree. In addition, a significantly larger program would take longer to perform.

Your letter states that "much more sampling is necessary in order to answer the questions many stakeholders have raised about what has been left behind by the remedy." The letter also states that additional sampling is needed in order to "identify specific areas of the Upper Hudson River that may require further active remediation in the future..." and it has been reported in the press that your Department's goal for the additional sampling is to prove that additional dredging is needed.⁵ More than 10,000 sediment locations were sampled to delineate PCBs in the Upper Hudson River as part of the remedial design, and therefore the PCB distribution in the river was known at the time EPA developed the 2010 OM&M Scope. The identification of potentially missed PCB inventory is not a purpose of either the OM&M program or the five-year review and would be outside the scope of the data quality objectives established for the sediment sampling program.

EPA believes that the sediment sampling program provided in the 2010 OM&M Scope and the 2016 Sediment Sampling Work Plan (and potentially supplemented by some additional sampling in the spring of 2017, if that is determined to be necessary) meets the objective of providing information for evaluating the change in PCB concentrations in the sediments over time. We do not believe that the additional 1800 samples requested by NYSDEC are needed either for the OM&M program or the five-year review, and do not believe that conditions in the river have changed since 2010 in a manner that warrants the significant changes requested by NYSDEC.

Your letter also suggests that the substantially greater number of sediment samples that NYSDEC is seeking is needed "to understand the ability of the project to meet its remedial action objectives (RAOs) in the timeframes predicted by the Record of Decision (ROD) (i.e., 5 and 16 years, respectively, after dredging)." We assume that you are alluding to the fish fillet target concentrations of 0.4 mg/kg and 0.2 mg/kg PCBs, respectively, that are included in Section 9.1 of the ROD. However, as EPA explained to your staff, these target concentrations are not RAOs under the ROD. Rather, they are interim milestones that, once achieved, might allow fish advisories to be relaxed somewhat. PCB levels in Hudson River water have declined since the dredging was completed, and we expect that PCB levels in fish also will continue to follow a downward trend. As we have also discussed with NYSDEC staff, the model forecasts used for the ROD were not intended to predict the specific years in which specified PCB levels would be achieved in the fish, but rather, were used to help EPA compare the remedial alternatives. The RAOs do not include specific years in which specified PCB levels need to be achieved in fish in order for EPA to deem the remedy protective.⁶

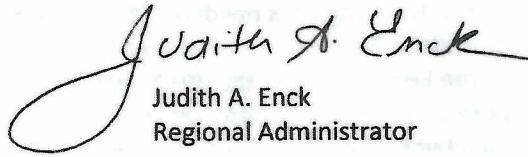
⁵ Moore, Kathleen, "DEC using new way to push for more dredging." *Glens Falls Post-Star*, 15 Nov. 2016

⁶ In this connection it is important to note that -- as has always been understood by your staff -- models cannot be used to predict specific dates by which such a milestone will be reached. Models are used to compare remedial alternatives, and they can provide a general timeframe within which such a milestone is expected to be met. Real world occurrences -- such as river flows that differ from the assumed flows in the model and adjustments to remedial operations over the course of the remedial work -- will impact recovery rates in ways that were not captured in the previously developed model forecasts. For example, adjustments to the dredging operations that provided an overall benefit to the project also likely increased the short-term exposures of fish to PCBs and will result in some delay (likely several years) to the forecasted years for achieving the 0.4 mg/kg PCB target level.

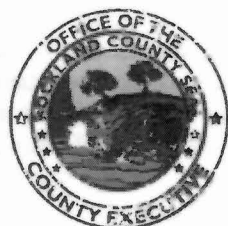
If NYSDEC wishes to conduct additional sediment sampling, it is free to do so. With respect to your request for EPA to defer issuing the Certification of Completion of the Remedial Action until after such additional sampling occurs, EPA will make a decision about issuing the Certification in accordance with the applicable consent decree requirements, as EPA has explained to your staff. Neither the schedule for NYSDEC's sediment sampling nor the schedule for the OM&M sediment sampling are factors that will affect the issuance of the Certification.

If you wish to discuss these issues further, please let me know or ask your staff to contact Walter Mugdan at 212-637-4390 or mugdan.walter@epa.gov, or Gary Klawinski at 518-407-0400 or klawinski.gary@epa.gov. Thank you.

Sincerely,



Judith A. Enck
Regional Administrator



May 3, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt:

As fellow Republicans and executives of counties with a combined 123 miles of shoreline within the Hudson River Superfund site, we are writing to request that you do everything in your power to assure the conclusions of the ongoing Second Five Year Review of this remediation will be based on solid scientific evidence clearly indicating the need for additional removal of PCB-contaminated sediment in the Upper Hudson River. In addition to restoring the river's environmental and economic health, a more comprehensive cleanup would enable you to achieve two of your stated priorities for the EPA—ensuring the Superfund program creates jobs and collaborating with the states to implement environmental programs.

The Hudson River is a keystone of the Hudson Valley's \$5.2-billion tourism economy responsible for more than 60,000 jobs in our four counties alone. Plans for future economic development—including resumption of a once-vibrant commercial fishing industry—all along the 200-mile length of the river's Superfund site awaits completion of remediation that would fulfill the project's federally mandated goal to be "protective of human health and the environment." Dredging undertaken to date has failed to factor in decisive evidence that two to three times more contaminated sediment exist in the river than assumed at the time the EPA cleanup plan was established in 2002. Without a determination that additional remediation is necessary, restoring the health of people forced to subsist on the river's tainted fish and implementing job-creating riverfront revitalization projects likely will be postponed until well into the 22nd century—or New York taxpayers will be forced to foot the bill to clean up a mess they didn't create. Neither option is acceptable.

The EPA's cleanup plan called for active dredging to accelerate the river's recovery, with the expectation that significant improvement would occur within five years of the completion of dredging. Forcing Hudson Valley residents to instead wait decades for PCBs to travel downstream or become buried is not a solution. The carcinogenic toxins in the Upper Hudson continue to be transported downriver as far as New York Harbor, and beyond. Especially distressing to us, PCB levels in fish in the Lower Hudson are not declining as expected, highlighting the need for a study of downriver contamination and appropriate remedial action.

One of the first Congressionally designated American Heritage Rivers, the Hudson is a proud symbol of American innovation and can-do spirit—along its shores the American Revolution was won, it inspired

OFFICE OF THE
EXECUTIVE SECRETARY

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the nation's first art and literary movements, provided a pathway for Western expansion and gave birth to the modern grassroots environmental movement. We are proud of this past and equally excited about the future of the Hudson Valley and our counties in particular. However, this future depends on the additional PCB cleanup needed to improve our economy, health and quality of life. We urge you to ensure the Five Year Review will lay the groundwork for this cleanup to continue.

Sincerely,



Marcus J. Molinaro
Dutchess County Executive



Steven M. Neuhaus
Orange County Executive



Edwin J. Day
Rockland County Executive



Robert P. Astorino
Westchester County Executive

CC:

Eliot Engel, U.S. House of Representatives (D-NY-16)

John Faso, U.S. House of Representatives (R-NY-19)

Nita Lowey, U.S. House of Representatives (D-NY-17)

Sean Patrick Maloney, U.S. House of Representatives (D-NY-18)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 25 2017

Marcus J. Molinaro
Dutchess County Executive
Dutchess County Executive Office
22 Market Street, #7
Poughkeepsie, NY 12601

Dear Mr. Molinaro:

Thank you for your May 3, 2017 letter to U.S. Environmental Protection Agency Administrator Scott Pruitt concerning the second five-year review of the Hudson River PCBs Superfund Site. I am responding on behalf of Administrator Pruitt. In your letter, you request that the EPA follow New York State's recommendation and determine in the five-year review that the cleanup is not protective of human health and the environment.

First, let me assure you that the EPA shares your goal of protecting public health and supporting the economic vitality of the communities along the Hudson River. That is why EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

In conducting the current five-year review of the cleanup, EPA must follow the law of the federal Superfund statute and apply the best available science. The review includes a comprehensive assessment of the available data for PCB concentrations in sediment, water, and fish. The EPA must evaluate whether the remedy is, or will be, protective of human health and the environment, based on the data currently available. Please note that it will be necessary to collect several years of post-dredging PCB data in fish, sediment and water to determine with a reasonable degree of scientific certainty the rate at which PCB levels are declining. If, as a result of the current or a future five-year review, the EPA determines that that remedy is not expected to achieve its goals, the EPA will consider what actions are needed.

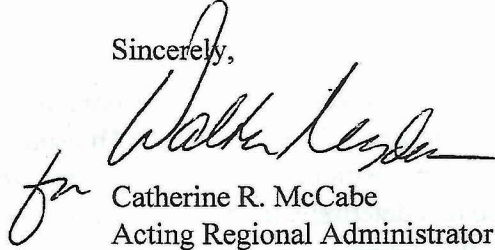
In an effort to conduct the five-year review in an open and transparent manner, in the spring of 2016 the EPA established a "Five-Year Review Team" which includes representatives of New York State, the federal natural resource trustees and the public. The EPA has held a number of meetings and conference calls with the Five-Year Review Team, as well as public workshops, to explain and solicit feedback on the five-year review. The New York State Department of Environmental Conservation (NYSDEC), which concurred with the EPA's selected cleanup remedy in 2002, has participated in all of the five-year review meetings to date.

As the project moves forward, the EPA will continue to follow the science and the Superfund law. The EPA will continue to monitor the river fish, water and sediment and evaluate the reductions in PCB levels over time. In addition, the EPA will continue to coordinate closely with the involved state and federal agencies including NYSDEC, the New York State Department of Health, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. The EPA will also continue to coordinate with the Hudson River Foundation and others who are involved with the New York-New Jersey Harbor.

We appreciate your continued interest and engagement with EPA on the cleanup of the Hudson River.

If you have further questions, please contact me at (212) 637-5000 or Gary Klawinski, Director for the Hudson River Field Office at (518) 407-0400 or Klawinski.gary@epa.gov.

Sincerely,


for Catherine R. McCabe
Acting Regional Administrator

CC:

Elliott Engel, U.S. House of Representatives (D-NY-16)

John Faso, U.S. House of Representatives (R-NY-19)

Nita Lowey, U.S. House of Representatives (D-NY-17)

Sean Patrick Maloney, U.S. House of Representatives (D-NY-18)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 25 2017

Steven M. Neuhaus
Orange County Executive
Orange County Executive Office
40 Matthews Street
Goshen, NY 10924

Dear Mr. Neuhaus:

Thank you for your May 3, 2017 letter to U.S. Environmental Protection Agency Administrator Scott Pruitt concerning the second five-year review of the Hudson River PCBs Superfund Site. I am responding on behalf of Administrator Pruitt. In your letter, you request that the EPA follow New York State's recommendation and determine in the five-year review that the cleanup is not protective of human health and the environment.

First, let me assure you that the EPA shares your goal of protecting public health and supporting the economic vitality of the communities along the Hudson River. That is why EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

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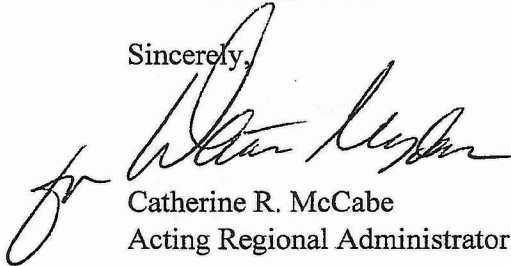
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We appreciate your continued interest and engagement with EPA on the cleanup of the Hudson River.

If you have further questions, please contact me at (212) 637-5000 or Gary Klawinski, Director for the Hudson River Field Office at (518) 407-0400 or Klawinski.gary@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine R. McCabe". The signature is fluid and cursive, with a large initial "C" and "M".

Catherine R. McCabe
Acting Regional Administrator

CC:

Elliott Engel, U.S. House of Representatives (D-NY-16)

John Faso, U.S. House of Representatives (R-NY-19)

Nita Lowey, U.S. House of Representatives (D-NY-17)

Sean Patrick Maloney, U.S. House of Representatives (D-NY-18)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 25 2017

Edwin J. Day
Rockland County Executive
Rockland County Executive Office
11 New Hempstead Road
New City, NY 10956

Dear Mr. Day:

Thank you for your May 3, 2017 letter to U.S. Environmental Protection Agency Administrator Scott Pruitt concerning the second five-year review of the Hudson River PCBs Superfund Site. I am responding on behalf of Administrator Pruitt. In your letter, you request that the EPA follow New York State's recommendation and determine in the five-year review that the cleanup is not protective of human health and the environment.

First, let me assure you that the EPA shares your goal of protecting public health and supporting the economic vitality of the communities along the Hudson River. That is why EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

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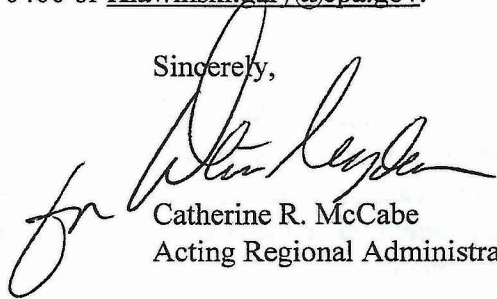
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We appreciate your continued interest and engagement with EPA on the cleanup of the Hudson River.

If you have further questions, please contact me at (212) 637-5000 or Gary Klawinski, Director for the Hudson River Field Office at (518) 407-0400 or Klawinski.gary@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "C. McCabe", is written over the word "Sincerely,".

Catherine R. McCabe
Acting Regional Administrator

CC:

Elliott Engel, U.S. House of Representatives (D-NY-16)

John Faso, U.S. House of Representatives (R-NY-19)

Nita Lowey, U.S. House of Representatives (D-NY-17)

Sean Patrick Maloney, U.S. House of Representatives (D-NY-18)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 25 2017

Robert P. Astorino
Westchester County Executive
Westchester County Executive Office
148 Martine Avenue
White Plains, NY 10601

Dear Mr. Astorino:

Thank you for your May 3, 2017 letter to U.S. Environmental Protection Agency Administrator Scott Pruitt concerning the second five-year review of the Hudson River PCBs Superfund Site. I am responding on behalf of Administrator Pruitt. In your letter, you request that the EPA follow New York State's recommendation and determine in the five-year review that the cleanup is not protective of human health and the environment.

First, let me assure you that the EPA shares your goal of protecting public health and supporting the economic vitality of the communities along the Hudson River. That is why EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

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We appreciate your continued interest and engagement with EPA on the cleanup of the Hudson River.

If you have further questions, please contact me at (212) 637-5000 or Gary Klawinski, Director for the Hudson River Field Office at (518) 407-0400 or Klawinski.gary@epa.gov.

Sincerely,

for Catherine R. McCabe
Catherine R. McCabe
Acting Regional Administrator

CC:

Elliott Engel, U.S. House of Representatives (D-NY-16)

John Faso, U.S. House of Representatives (R-NY-19)

Nita Lowey, U.S. House of Representatives (D-NY-17)

Sean Patrick Maloney, U.S. House of Representatives (D-NY-18)

Congress of the United States
Washington, DC 20515

May 23, 2017

Administrator Scott Pruitt
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue
Washington, DC 20460

Dear Administrator Pruitt:

We are writing to request that you ensure the ongoing Second Five Year Review of the Hudson River Superfund Site incorporates data collected and shared with EPA Region 2 that clearly shows the Hudson River remedy is not protective of human health and the environment. The Five Year Review presents an opportunity to realize goals that you have articulated, including the importance of cleaning up the Hudson River pollution and ensuring the Superfund program succeeds in achieving both environmental outcomes and creating jobs. We ask for your help to secure additional clean-up in the Upper Hudson River.

When EPA announced the Hudson River cleanup 15 years ago, it was a promise to New Yorkers that the long-damaged river would finally be on the path to a rapid recovery. However, after the cleanup plan was established, EPA discovered that at least 2-3 times more PCB contamination existed in Hudson River sediments than had been assumed; yet EPA did not modify the scope of the cleanup. As a result, the Hudson River remains contaminated at levels far beyond the cleanup targets EPA established. Economic development on the Upper Hudson River has long been stifled by the dark cloud of toxic pollution; communities cannot wait decades longer for a clean and usable river.

Concerns regarding the efficacy of the EPA approved remedy resulted in the New York Department of Conservation (DEC) concluding that more work needs to be done. Long-term "natural attenuation" of PCBs is not a solution to this problem. The PCBs in the Upper Hudson River are continuing to be transported down-river as far as New York harbor and beyond; in fact, scientists studying the New York/New Jersey Harbor have called the legacy of PCB contamination an "economic ball and chain." PCB levels in fish in the lower Hudson River are not declining as expected, pointing to the need for investigation of downriver contamination and

appropriate remedial action. New Yorkers must not be left holding the bag for contamination that will render the Hudson River a Superfund site for generations to come.

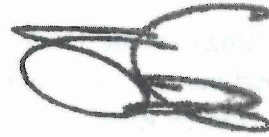
New York State has a long and proud history of conservation in conjunction with economic development, and the Hudson River is a national symbol as an American Heritage River. As New Yorkers who live, work, and play along the Hudson River, we know that additional cleanup is needed to improve our economy, and health, and quality of life.

Finally, we emphasize that a credible Five Year Review is crucial to ensure the integrity of the federal Superfund program, given that the Hudson is one of the largest and most visible sites in the country. We look forward to working with you to achieve this.

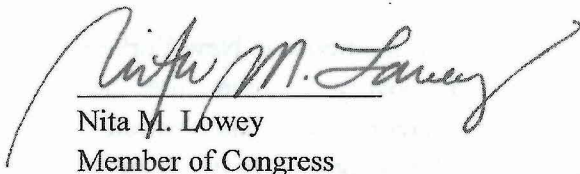
Sincerely,



Kirsten Gillibrand
United States Senator



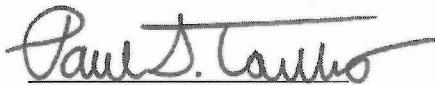
Sean Patrick Maloney
Member of Congress



Nita M. Lowey
Member of Congress



Eliot Engel
Member of Congress



Paul Tonko
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 26 2017

The Honorable Sean Patrick Maloney
U.S. House of Representatives
1027 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Maloney:

Thank you for your May 23, 2017 letter to U.S. Environmental Protection Agency Administrator Scott Pruitt concerning the second five-year review of the Hudson River PCBs Superfund Site. I am responding on behalf of Administrator Pruitt. In your letter, you request that the EPA follow New York State's recommendation and determine in the five-year review that the cleanup is not protective of human health and the environment.

First, let me assure you that the EPA shares your goal of protecting public health and supporting the economic vitality of the communities along the Hudson River. That is why EPA has used the full power and authority of the federal Superfund law to require the General Electric Co. to conduct the largest and most expensive cleanup of river sediments in the history of the Superfund program.

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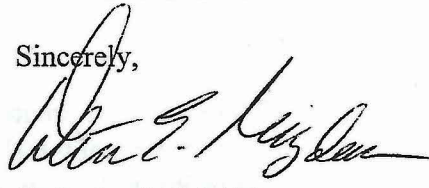
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We appreciate your continued interest and engagement with EPA on the cleanup of the Hudson River.

If you have further questions, please contact me at (212) 637-5000 or Gary Klawinski, Director of the Hudson River Field Office at (518) 407-0400 or Klawinski.gary@epa.gov.

Sincerely,


for Catherine R. McCabe
Acting Regional Administrator

Congress of the United States

Washington, DC 20510

October 18, 2017

The Honorable E. Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

As the EPA reviews the comments submitted during the public comment period on the *Proposed Second Five-Year Review Report for Hudson River PCBs Superfund Site*, we write to reiterate our concern that the project as completed to date is not protective of human health and the environment. As the EPA report states, it will likely take "several decades at least" for natural attenuation to gradually achieve a long-term remediation goal. Under EPA's projection, relying completely on the natural attenuation of PCBs to complete the cleanup of the Hudson means that the river is unlikely to be fully cleaned-up in our lifetimes. That is unacceptable.

EPA's draft review report clearly acknowledges that dredging completed to date has not yet reached the protectiveness objectives in the 2002 Record of Decision for the Hudson River Superfund project. As such, the review report should clearly state that the cleanup is "not protective." We also have serious concerns with the finding that the remedy "will be protective" given that EPA has itself expressed the need to collect further information in the Upper and Lower Hudson River and stakeholders, including the trustees, have challenged EPA's methodology and limited data in making this claim. That finding should be removed from the final report.

To address these concerns before the EPA can credibly determine that the remedy is or will be protective, the EPA should immediately initiate further clean-up of the upper Hudson and investigate PCB contamination in the lower Hudson. Analyses by the New York State Department of Environmental Conservation and the Hudson River trustees clearly show the continued presence of contamination that must be remediated in the upper Hudson River. EPA's draft report also states that PCB levels in fish and sediment are higher than the original remedy expected, and the final review report must outline specific steps EPA intends to take to investigate and remediate downriver contamination.

The federal government has an obligation to the people of New York to ensure that the environmental health of the Hudson River is restored so future generations will not be harmed by this legacy pollution and can benefit from the natural resources of this American Heritage River. For this reason, we call on you to conclude that the remedy for the entire Hudson River Superfund site is "not protective," and remove the finding that it "will be protective," paving the way for the Hudson to receive the cleanup it deserves.

Thank you for your attention to our concerns, and the concerns that have been provided to EPA through the public comment on the draft five-year review report. In particular, we urge you to give strong consideration to the public comments submitted by NOAA and the New York State Department of Environmental Conservation. We hope that steps to address them will be included in the final report document.

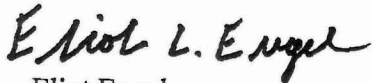
Sincerely,



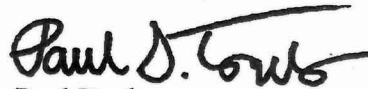
Kirsten Gillibrand
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Nita Lowey
Member of Congress



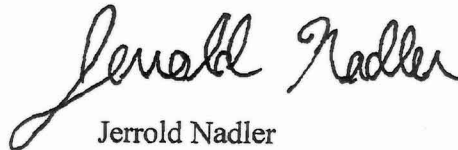
Eliot Engel
Member of Congress



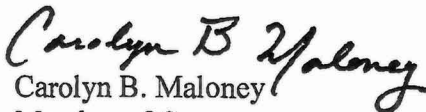
Paul Tonko
Member of Congress



Sean Patrick Maloney
Member of Congress



Jerrold Nadler
Member of Congress



Carolyn B. Maloney
Member of Congress



Correspondence Management System

Control Number: AL-18-000-1124

Printing Date: January 10, 2018 01:04:47



Citizen Information

Citizen/Originator: Gillibrand, Kirsten

Organization: United States Senate
Address: 478 Russell Senate Office Building, Washington, DC 20510-3205

Lowey, Nita M

Organization: U.S. House of Representatives
Address: 2329 Rayburn Office Building House, Washington, DC 20515

Engel, Eliot L.

Organization: Congress of the United States, House of Representatives
Address: 2462 Rayburn House Office Building, Washington, DC 20515-3216

Tonko, Paul D

Organization: U.S. House of Representatives
Address: 2463 Rayburn House Office Building, Washington, DC 20515

Maloney, Sean Patrick

Organization: U.S. House of Representatives
Address: 1529 Longworth House Office Building, Washington, DC 20515

Nadler, Jerrold

Organization: U.S. House of Representatives
Address: 2334 Rayburn Office Building House, Washington, DC 20515

Maloney, Carolyn B

Organization: U.S. House of Representatives
Address: 2332 Rayburn Office Building House, Washington, DC 20515

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AL-18-000-1124	Alternate Number:	N/A
Status:	Closed	Closed Date:	Nov 2, 2017
Due Date:	Nov 15, 2017	# of Extensions:	0
Letter Date:	Oct 18, 2017	Received Date:	Oct 31, 2017
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	LTR (Letter)	Priority Code:	Normal
Signature:	RA-R2-Regional Administrator - Region 2	Signature Date:	N/A
File Code:	301_1051_a Records of Senior Officials - Historically significant records of senior officials		
Subject:	RE: COMMENT PERIOD ON THE PROPOSED SECOND FIVE-YEAR REVIEW REPORT FOR HUDSON RIVER PCB's SUPERFUND SITE		
Instructions:	RA-R2-Prepare draft response for signature by the Regional Administrator for Region 2		
Instruction Note:	N/A		
General Notes:	11/02 - Per Region 2 Congressional Staff Carsen Mata, this assignment can be closed based on the fact that their concerns will be addressed in the responsive summary for the five-year-review.		
CC:	Carolyn Levine - OCIR-CA-LRET OLEM - Office of Land and Emergency Management R2 - Region 2 -- Immediate Office		



Correspondence Management System

Control Number: AL-18-000-1124

Printing Date: January 10, 2018 01:04:47



Raquel Snyder - OCIR-CA-LRET

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Kathy Mims	OCIR	R2	Nov 1, 2017	Nov 15, 2017	N/A
	Instruction: N/A				
Karen Story	R2	Carsen Mata	Nov 1, 2017	Nov 15, 2017	N/A
	Instruction: Please take task and prepare a DRAFT response for the Regional Administrator's signature.				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
Kathy Mims	OCIR	Assign Raquel Snyder as lead	Oct 31, 2017
Raquel Snyder	OCIR-CA-LRET	Assign OLEM as lead office	Nov 1, 2017
Wanda McLendon	OLEM	Accepted the group assignment	Nov 1, 2017
Wanda McLendon	OLEM	Sent to Raquel Snyder for Reassignment Request	Nov 1, 2017
Kathy Mims	OCIR	Control Taken Over	Nov 1, 2017
Kathy Mims	OCIR	Changed Signature AA-OLEM-Assistant Administrator-OLEM RA-R2-Regional Administrator - Region 2	Nov 1, 2017
Kathy Mims	OCIR	Changed Due Date November 14, 2017 November 15, 2017	Nov 1, 2017
Kathy Mims	OCIR	Changed Instruction CLO - The closing line of all letters should state the following: "Again, thank you for your letter. If	Nov 1, 2017
Kathy Mims	OCIR	Assign R2 as lead office	Nov 1, 2017
Karen Story	R2	Accepted the group assignment	Nov 1, 2017
Karen Story	R2	Assign Carsen Mata as lead	Nov 1, 2017
Kathy Mims	OCIR	Control Taken Over	Nov 2, 2017
Kathy Mims	OCIR	Control Closed	Nov 2, 2017

Comments



Correspondence Management System

Control Number: AL-18-000-1124

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Commentator	Comment	Date
Wanda McLendon	Previous correspondence on this issue were previously assigned to Region 2. Therefore, we're requesting reassignment to Region 2.	Nov 1, 2017

